

Babergh District Council

Lawshall Neighbourhood Plan Review 2021 - 2037

Basic Conditions consultation (Nov - Dec 2023)



Following publication of the new National Planning Policy Framework (in September 2023), and the adoption of the Joint Local Plan Part 1 by Babergh District Council (in November 2023), a focused consultation exercise was undertaken on whether or not these two events had any implications for the Lawshall NP Review with regard to it meeting two of the basic condition tests. Those tests were:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, *and*
- e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

The consultation period ran from Monday 27 November to Monday 11 December 2023. A copy of the consultation letter follows this cover page.

Five representations were received. These are listed below and copies of their responses are also attached.

Finally, Lawshall Parish Council were given an opportunity to respond to any new points raised by the consultees listed below. Their response, received on 20 December 2023, appears at the end of this document.

| Ref No. | Consultee |
|---------|--|
| (1) | Suffolk County Cllr Mr Richard Kemp |
| (2) | National Highways |
| (3) | Water Management Alliance |
| (4) | Evolution Town Planning |
| (5) | Mr Livall (a resident) |
| (6) | Response from Lawshall Parish Council to the above representations |

Our ref: Lawshall NP Review - Basic Conditions Letter

Date: Friday 24 November 2023

Sent by e-mail

Dear Sir / Madam

1. Lawshall Neighbourhood Plan Review 2021 - 2037

2. Focused consultation: General conformity with Basic Conditions (27 Nov to 11 Dec 2023)

We are contacting you because you are a statutory consultee or because you made a representation on the submission draft Lawshall Neighbourhood Plan Review document. We published the latter for consultation between 2 August and 15 September this year.

All neighbourhood plans must meet a number of basic conditions before they can be proceed to a local referendum or, where appropriate, otherwise be adopted. These include:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, *and*
- e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

Since our consultation on the Lawshall NP Review ended, two events have taken place that we consider now need bringing to your attention. The first of these was the publication of a new National Planning Policy Framework (the NPPF) on 5 September 2023. The second is our formal adoption of Part 1 of the Babergh & Mid Suffolk Joint Local Plan (the 'JLP'). Both may be relevant to the basic conditions test.

On behalf of the Lawshall Examiner, we are inviting you to revisit the submission draft Lawshall NP Review document and to consider the following question:

'Does the publication of the new NPPF and/or our adoption of the Joint Local Plan Part 1 have any implications for the Lawshall NP Review with regard to it meeting the relevant basic condition tests?'

Additional guidance notes are provided overleaf. Please read and understand these before deciding whether or not to respond.

This focused consultation exercise will end at 4:00pm on Monday 11 December 2023.

Yours faithfully

Paul Bryant
Neighbourhood Planning Officer | Planning & Building Control
Babergh & Mid Suffolk District Councils
T: 01449 724771 / M: 07860 829547
E: communityplanning@baberghmidsuffolk.gov.uk



Babergh and Mid Suffolk District Councils
Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX
Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Additional guidance notes

- A link to the submission draft version Lawshall NP Review document can be found under the 'Previous stages' section of our website: <https://www.babergh.gov.uk/web/babergh/w/lawshall-Neighbourhood-plan>. There is also a link to a 'Basic Conditions Statement (June 2021)' that was submitted along with the plan.
- This is a focused consultation exercise. As stated, the question is: ‘***Does the publication of the new NPPF and/or our adoption of the Joint Local Plan Part 1 have any implications for the Lawshall NP Review with regard to it meeting the relevant basic condition tests?***’
- If you have previously submitted a written representation on the Lawshall NP Review document that is unaffected by either the revised NPPF or by our adoption of JLP Part 1, you do not need to re-submit your comments. The Examiner has a copy of these and will take them into account.
- This is not an opportunity to submit new comments or to provide additional information connected to any previously made representation that is not relevant to the question being asked.
- At the end of the consultation, all valid representations will be shared with the Examiner and with Lawshall Parish Council. The latter will be given an opportunity to respond to any new issues raised. Both your representation(s) and any response from the Parish Council will be published on our website.
- **Comments should be sent by email to:** communityplanning@babberghmidsuffolk.gov.uk. If that is not possible, please post them to: Lawshall NP Consultation, c/o Mr Paul Bryant, Spatial Planning Team, Babergh District Council, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX
- **All comments must arrive by the stated deadline.**

National Planning Policy Framework (5 Sept 2023)

The latest version of the NPPF can be found on the .gov.uk website by following the link below: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The updates appear in Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) and relate specifically to policy on planning for onshore wind development in England. They are aimed at addressing some of the barriers to gaining consent for onshore wind turbine development proposals.

The Lawshall NP Review does not contain a specific policy on renewable energy but you may wish to look at the paragraphs 9.15 and 9.16 (on page 42) and their associated Community Actions.

Joint Local Plan Part 1 (2018 - 2037)

On Tuesday 21 November Babergh District Council adopted the Joint Local Plan Part 1 (JLP Part 1) as part of its Development Plan. See our website for details: <https://www.babergh.gov.uk/joint-local-plan>

The policies in JLP Part 1 replace most of the saved policies from the Babergh Local Plan (2006) and the policies in the Babergh Core Strategy (2014). Where policies have been saved, these also form part of the Development Plan. See <https://www.babergh.gov.uk/web/babergh/w/saved-policies> for a 'live' list of all saved policies.

When the Lawshall NP Review document was submitted to us in June 2023, the most up to date version of the JLP would have been our Proposed Modifications Consultation document (dated March 2023). This was a track-change document setting out all the main modifications to the JLP that our Inspectors considered were necessary to ensure that it was sound and legally compliant. The publication of this Proposed Mods' document is acknowledged in the Lawshall NP Review.

[Ends]

(1) Suffolk County Cllr Richard Kemp

By e-mail

Rec'd: 24 November 2023

Thank you. I fully support the Plan as set out and I hope it will be fully adopted.

Richard Kemp

* * * * *

From: BMSDC Community Planning <communityplanning@baberghmidsuffolk.gov.uk>
Sent: 24 November 2023 14:25
To:
Subject: Notice of consultation - Lawshall NP Review & the Basic Conditions (ends Mon 11 Dec '23)

Dear Sir / Madam

Notice of focused consultation – Lawshall NP Review and the Basic Conditions (ends at 4:00pm Monday 11 December 2023)

We are contacting you because you are a statutory consultee or because you/your client have previously expressed an interest in the Lawshall Neighbourhood Plan Review 2021 - 2037.

In August, we invited you to review and submit representations on the submission draft Lawshall NP Review document. This will shortly be entering the examination phase, details of which will be published on our website: <https://www.babergh.gov.uk/web/babergh/w/lawshall-neighbourhood-plan>

As part of the examination process, we are carrying out a **focused 2-week consultation exercise** relating to two of the basic conditions that this neighbourhood plan must meet. This is in response to publication of the new NPPF in September 2023, and most recently, our adoption of the Joint Local Plan Part 1.

Further details are set out in the attached letter.

Kind regards

Paul Bryant
Neighbourhood Planning Officer | Planning & Building Control
Babergh & Mid Suffolk District Councils – Working Together
T: 01449 724771 / 07860 829547
E: As per this email or paul.bryant@baberghmidsuffolk.gov.uk
W: www.babergh.gov.uk / www.midsuffolk.gov.uk

Our ref: NH/23/03883 Lawshall NP Basic Condition
Your ref: Lawshall NP Review - Basic Conditions Letter

Shamsul Hoque
National Highways
Spatial Planning
Operations (East)
Woodlands
Manton Lane
Bedford MK41 7LW

Lawshall NP Review Consultation
c/o Spatial Planning Policy Team
Babergh Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich, Suffolk, IP1 2BX

08 December 2023

Via email to: communityplanning@babergmidsuffolk.gov.uk

Dear Sir/Madam,

1. LAWSHALL NEIGHBOURHOOD PLAN REVIEW 2021 - 2037

2. FOCUSED CONSULTATION: GENERAL CONFORMITY WITH BASIC CONDITIONS

Thank you for your correspondence, received on 24 November 2023, notifying National Highways of the consultation above.

National Highways is responsible for the operation, maintenance, and improvement of the Strategic Road Network (SRN) in England on behalf of the Secretary of the State. In the area within and surrounding the Lawshall Neighbourhood Plan, we have responsibility for the trunk road A14, part of the Strategic Road Network (SRN).

According to the "*Lawshall Neighbourhood Plan Review 2021-2037 Submission Plan*" dated June 2023, document, the Lawshall Settlement Boundaries are therefore defined for: • Bury Road, • Lambs Lane / Harrow Green, • The Street, • Lawshall Green, and • Hanningfield Green; (paragraph 5.5). These Settlement locations are remotely located from the nearest National Highways SRN Road. Therefore, no comment on this.

We have also reviewed the supporting document titled, "*Lawshall Neighbourhood Plan Review 2021-2037 Basic Conditions Statement*" dated June 2023. The Neighbourhood Plan does not conflict with the requirement and aspiration of the Emerging Joint Local Plan policies. In relation to the 'Focus consultation: General Conformity with Basic Conditions' mentioned in the consultation subject, National Highways do not have any comment



We do not have any more comments.

Please contact us at PlanningEE@nationalhighways.co.uk if you require any clarification.

Yours faithfully,

S. H.

Shamsul Hoque Assistant
Spatial Planner

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

(3) Water Management Alliance

By e-mail

Rec'd: 24 November 2023

Subject: RE: Notice of consultation - Lawshall NP Review & the Basic Conditions (ends Mon 11 Dec '23)

Good afternoon,

Thank you for consulting the Water Management Alliance (WMA) on Lawshall NP Review & the Basic Conditions. The parish of Lawshall lies outside of the Internal Drainage Districts of all WMA Member Boards, as well as their wider watershed catchments. Therefore, we have no comments to make.

Kind regards,

Ellen



Ellen Moore, BSc (Hons)

Sustainable Development Officer

Water Management Alliance

dd: 01553 819630 | ellen.moore@wlma.org.uk

Registered office: Pierpoint House, 28 Horsley's Fields, Kings Lynn, Norfolk, [PE30 5DD](https://www.gov.uk/zip-codes/pe30-5dd)

t: 01553 819600 | e: info@wlma.org.uk | www.wlma.org.uk

What3Words: [caring.employ.visit](https://www.what3words.com/caring.employ.visit)

WMA members: [Broads Drainage Board](#), [East Suffolk Water Management Board](#), [King's Lynn Drainage Board](#), [Norfolk Rivers Drainage Board](#), [South Holland Drainage Board](#), [Waveney, Lower Yare and Lothingland Drainage Board](#)

In Association with: [Pevensey and Cuckmere Water Level Management Board](#)

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With our commitment to ISO 14001, please consider the environment before printing this e-mail.

Defenders of the Lowland Environment

(4) Evolution Town Planning Ltd

By e-mail

Rec'd: 8 December 2023

Subject: Lawshall Neighbourhood Plan Review 2021 - 2037 - Focused consultation: General conformity with Basic Conditions

Dear Sir/Madam

We write to comment on the Neighbourhood Plan consultation.

The draft Neighbourhood Plan does not contain sufficient flexibility for housing to be developed outside of settlement boundaries. The Neighbourhood Plan which was adopted in October 2017 contained more flexibility in policy LAW 1. This provided for housing to be developed in areas well related to the Built-Up Area Boundary. This earlier plan complied with the National Planning Policy Framework which supports housing where it will reflect local needs, and which will help villages grown and thrive, as set out in paragraphs 78 and 79. Paragraph 80 of national policy prevents housing where it would be isolated. However, development that is well related to settlements will not be isolated. The revised Neighbourhood Plan does not contain sufficient flexibility to meet the requirements of national policy which allows development in the countryside which is not isolated. The draft Neighbourhood Plan is more restrictive than national planning policy as it does not allow housing outside of settlement boundaries.

The Joint Local Plan Part 1 allows development that accords with Part 80 of the National Planning Policy Framework, and other policies allow housing outside of settlement boundaries. However, the draft Neighbourhood Plan is more restrictive in not allowing housing outside of settlement boundaries. It would be in accordance with the basic condition tests if the Draft Neighbourhood Plan was amended to allow the same flexibility for development alongside Built-Up Area boundaries as is found in the 2017 Neighbourhood Plan. This would comply with national policy and would reflect the Joint Local Plan which are both less restrictive.

We hope that these representations can be taken into account.

Regards

David Barker MRICS MRTPI

Director



Evolution Town Planning Ltd

Opus House Elm Farm Park Thurston

Bury St Edmunds Suffolk IP31 3SH

T: 01359 233663 M: 07900 917567

www.evolution-planning.co.uk

(5) Resident – Mr Livall

By e-mail

Rec'd: 8 December 2023

cc to: Lawshall Parish Council; Cllr Karen Whordley (Lawshall PC); Michael Holt (Babergh District Cllr); Stephen Plumb (Babergh District Cllr); Richard Kemp (SCC Councillor); The Green Light Trust; Christine Luxton and Rupert Masefield (Suffolk Wildlife Trust); Lavenham Parish Council; Phil Isbell (Chief Planning Officer, B&MSDC), Martin Sanford (Suffolk Biological Records Centre Manager); Richard Parmee (B&MSDC); Suffolk Naturalists' Society; Margaret Maybury (Babergh District Cllr); Paul Clover (Babergh District Cllr)

Subject: Lawshall Neighbourhood Plan Review 2021 - 2037: Focused consultation

Dear Mr Bryant

1. Lawshall Neighbourhood Plan Review 2021 - 2037
2. Focused consultation: General conformity with Basic Conditions (27 Nov to 11 Dec 2023)

I attach my response to the focused consultation and would be grateful if you will kindly acknowledge receipt of this communication please.

Our biodiversity is of huge importance to all of us and I hope that the Examiner will be able to give careful consideration to the issues that I raise in both the current attached statement and my previous submission made in September 2023.

Kind regards

Mr Livall

1. Lawshall Neighbourhood Plan Review 2021 - 2037

2. Focused consultation: General conformity with Basic Conditions (27 Nov to 11 Dec 2023)

I refer to the opportunity to contribute to the focused consultation on the Lawshall NPR and the following question:

‘Does the publication of the new NPPF and/or our adoption of the Joint Local Plan Part 1 have any implications for the Lawshall NP Review with regard to it meeting the relevant basic condition tests?’

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| 1. | National Planning Policy Framework (5 Sept 2023) |
| 1.1 | No comments. |

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| 2. | Joint Local Plan Part 1 (2018 - 2037) |
| 2.1 | I make the case that the adoption of the Joint Local Plan Part 1 does carry implications for the Lawshall NP Review and the basic conditions tests with regard to strategic policy "SP09 - Enhancement and Management of the Environment" and its supporting local policy "LP16 - Biodiversity and Geodiversity". |
| 2.2 | <p>The relevant sections of Policy SP09 state:</p> <p>"SP09 –Enhancement and Management of the Environment</p> <p>1) The Councils will require development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes.</p> <p>2) Development within the identified Protected Habitats Sites Mitigation Zone</p> <p>3) All development that would have an impact on a Protected Habitats Site, will be required to embed mitigation measures to avoid adverse effect on integrity.</p> <p>4) Through biodiversity net gain, all development will be required to protect and enhance biodiversity ensuring the measures are resilient to climate change.</p> <p>5) Where the monitoring of air quality from traffic"</p> |
| 2.3 | Policy SP09 is a strategic policy which seeks to enhance and manage the environment, and is supported by detailed local (<i>development management</i>) policies in particular policies such as LP15 – Environmental Protection and LP16 – Biodiversity. Policy SP09 provides the strategic context for biodiversity but relies heavily on Policy LP16 to deliver the local context and to which it is inextricably linked. Parishes such as Lawshall and Lavenham preparing their Neighbourhood Development Plans need to relate to both policies but Policy LP16 is |

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| | <p>more helpful given that it better serves local conditions.</p> <p>[Refer page 45 of the Joint Local Plan – Part 1 - November 2023]</p> <p><i>[NB: The linkage between SP09 and LP16 is clearly evident in the JLP's Appendix 02 Monitoring Framework on pages 129-130 where the two policies have identical environmental targets and indicators].</i></p> |
| 2.4 | <p>Policy LP16 states:</p> <p>"Policy LP16 - Biodiversity & Geodiversity</p> <p>1) All development must follow the biodiversity mitigation hierarchy.</p> <p>2) Development must:</p> <p>a) Protect designated and, where known, potentially designated sites. Proposed development which is likely to have an adverse impact upon designated and potentially designated sites, or that will result in the loss or deterioration of irreplaceable biodiversity or geological features or habitats (such as ancient woodland and veteran/ancient trees) will not be supported;</p> <p>b) Protect and improve sites of geological value and in particular geological sites of international, national and local significance;</p> <p>c) Conserve, restore and contribute to the enhancement of biodiversity and geological conservation interests including Priority habitats and species. Enhancement for biodiversity should be commensurate with the scale of development;</p> <p>d) Where possible plan positively for the creation, protection, enhancement and management of local networks of biodiversity with wildlife corridors that connect areas. This could include links to existing green infrastructure networks and areas identified by local partnerships for habitat restoration or creation so that these ecological networks will be more resilient to current and future pressures;</p> <p>e) Identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity. The Councils will seek appropriate resources from developers for monitoring of biodiversity net gain from developments. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support the delivery of net gain in biodiversity off-site; and</p> <p>f) Apply measures to assist with the recovery of species listed in S41 of the NERC Act 2006.</p> <p>3) Development which would have an adverse impact on species protected by legislation, or subsequent legislation, will not be permitted unless there is no alternative and the LPA is satisfied that suitable measures have been taken to:</p> <p>a. Reduce disturbance to a minimum;</p> <p>b. Maintain the population identified on site; and</p> <p>c. Provide adequate alternative habitats to sustain at least the current levels of population.</p> <p>4) Where appropriate, the LPA will use planning obligations and/or planning conditions to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum."</p> <p>[Refer pages 72-73 of the Joint Local Plan – Part 1 - November 2023]</p> |
| 2.5 | <p>Parish Councils currently preparing or completing Neighbourhood Plans have been placed in an unfortunate position of needing to accommodate policies within the then adopted</p> |

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| | <p>Babergh Local Plan [comprising the Core Strategy (2014) and the “saved policies” of the 2006 Babergh Local Plan] as well as the final stages of the emerging Joint Local Plan with Mid Suffolk District Council. I appreciate that it is not an easy task to prepare a Neighbourhood Plan when the "goalposts are moving". In this context I note that the Lawshall NPR Basic Conditions Statement refers to "Emerging Joint Local Plan Strategic Policies – Proposed Modifications (November 2020)" on page 22 and not the "Proposed Modifications Consultation document (dated March 2023)". Significant policy changes relating to biodiversity (<i>in Policy SP09</i>) were made between the November 2020 and March 2023 versions and these are highlighted in Appendix A. There is a distinct lack of evidence that the revised SP09 has been given proper consideration in the preparation of the Lawshall NPR, in particular the provision of mapping to support the policy.</p> <p>[Refer page 22 of the Lawshall NPR Basic Conditions Statement]</p> |
| 2.6 | <p>The decisive test relating to Local Policy LP16 Biodiversity and Geodiversity is whether Lawshall Parish Council refers to the JLP's policy in its Basic Conditions Statement. Unfortunately, I can find no reference to LP16 in the Basic Conditions Statement which demonstrates that it has not been given meaningful consideration in the preparation of the Lawshall NPR. For example, there is no reference to the “biodiversity mitigation hierarchy”.</p> |
| 2.7 | <p>At the same time, the Lawshall Examiner should be aware that "Lavenham Neighbourhood Plan 2" is at almost exactly the same stage as the Lawshall NPR with the Lavenham NP2 examination having commenced on 23 Nov 2023 under the Examiner, Janet Cheesley BA (Hons) DipTP MRTPI. It should be noted that Lavenham have received the same Basic Conditions consultation letter from the Neighbourhood Planning Officer as Lawshall.</p> <p>[Refer Lavenham Neighbourhood Plan page of Babergh District Council]</p> |
| 2.8 | <p>In contrast to Lawshall, on page 59 of the Lavenham NP2 Basic Conditions Statement reference is made to Policy LP16 Biodiversity and Geodiversity as follows:</p> <p><u>"Non-strategic policy as per March 2023 Joint Local Plan Proposed Modifications LP16 Biodiversity and Geodiversity"</u></p> <p><u>Description (where applicable to Lavenham)</u> <i>A policy requiring proposals to follow the biodiversity mitigation hierarchy and establishing principles to be followed for the purpose of conserving and enhancing biodiversity across the two districts</i></p> <p><u>Comment regarding general conformity</u> <i>Policies LAV 8, 9 and 10 complement the Local Plan by</i> <i>- identifying opportunities to improve biodiversity in the parish.</i> <i>- identifying sites of existing biodiversity value"</i></p> <p>[Lavenham NP2 Basic Conditions Statement]</p> |
| 2.9 | <p>I make the case that to:</p> <p>assess and evaluate the “..... conservation, enhancement and management of the natural and local environment and networks of green infrastructure”, “..... impact on a Protected Habitats Site(s)” and “.....protect and enhance biodiversity” as put</p> |

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| | <p>forward in Policy SP09; and</p> <p>"..... follow the biodiversity mitigation hierarchy" and "..... protect designated and, where known, potentially designated sites....." and "..... conserve, restore and contribute to the enhancement of biodiversity and geological conservation interests including Priority habitats and species" and "..... plan positively for the creation, protection, enhancement and management of local networks of biodiversity with wildlife corridors that connect areas" and "..... include links to existing green infrastructure networks and areas identified by local partnerships for habitat restoration or creation" etc as put forward in Policy LP16;</p> <p>it is necessary that Neighbourhood Plans properly:</p> <p>".....a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."</p> <p>[National Planning Policy Framework 2023 (page 51) - Habitats and biodiversity Para 179]</p> <p><i>[NB: Many of these important ecological components are not accommodated within the JLP's Whole Plan Policies Map].</i></p> <p>[Refer pages 72-73 and pages 151-152 of the Joint Local Plan – Part 1 - November 2023]</p> |
| 2.10 | <p>I attach appendices which highlight that Lawshall's approach to Biodiversity <i>[see Appendix B]</i> in the context of the adopted JLP's Policies SP09 and linked LP16 is much weaker than Lavenham's approach <i>[see Appendix C]</i> where sensible and proper regard has clearly been given to identifying sites of existing biodiversity value and identifying opportunities to improve biodiversity in the parish as well as other important biodiversity issues.</p> |
| 2.11 | <p>I make the case that to accord with Policies SP09 and LP16 at the very minimum Lawshall Parish Council should provide:</p> <p>(a) A Map showing the ecological network of Lawshall parish including existing sites of biodiversity value;</p> <p>(b) A Map identifying opportunities for improving biodiversity opportunities in Lawshall parish;</p> <p>(c) A Map showing the hedgerow corridor network (and main watercourses) for Lawshall parish; and</p> <p>(d) Such other Maps and content that the Examiner may deem appropriate.</p> <p>The Examiner may consider that reference should be made to the "biodiversity mitigation hierarchy" in Policy LWL 12. The above Maps should be cross-referenced to the appropriate policies in the Lawshall NPR to further strengthen their importance.</p> |
| 2.12 | <p>Failure to do this may result in Developers again putting forward small schemes <i>(often</i></p> |

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| | <p><i>accommodating no more than one or two dwellings</i>) on a piecemeal basis without proper regard for the local biodiversity network of the parish. This in my view has already been an issue during the lifetime of the adopted Lawshall Neighbourhood Development Plan 2017 which has seen the removal of a Priority habitat (<i>two dwellings - Application No DC/21/00111</i>), felling of approximately 40 metres of ancient hedgerow (<i>proposed dwelling - Application No DC/23/03728</i>) and revised access arrangements impacting on ancient hedgerow (<i>Application No DC/21/05470</i>).</p> |
| 2.13 | <p>Mapping represents an essential component in delivering effective natural environment planning policy. The Maps highlighted in para 2.11 above do not entail a lot of work as much of the information is readily available on the Magic website and from the Suffolk Biodiversity Information Service (SBIS). I note that SBIS along with Babergh District Council has given assistance to Lavenham Parish Council in providing Lavenham with 5 Hedgerow & Field Boundary Maps and I question why Lawshall Parish Council has not been able to take advantage of this service?</p> |
| 2.14 | <p>With reference to Policy LP16, I note that Para 15.13 of the JLP states:</p> <p><i>“At the local level, designations in Babergh and Mid Suffolk comprise of County Wildlife Sites, County Geodiversity Sites/Regionally Important Geological and Geomorphological Sites, Local Nature Reserves and Priority habitats and species. For the purposes of this policy, all of these are also designated sites.”</i></p> <p>I highlight that Neighbourhood Plans should be identifying these designations, including Priority habitats.</p> |
| 2.15 | <p>I also note that Natural England has sent a different email to the Neighbourhood Planning Officer relating to the Neighbourhood Plan for Lawshall [<i>see Appendix D</i>] compared to the one for Lavenham [<i>see Appendix E</i>]. The Lawshall email appears to relate to planning applications while the Lavenham email clearly covers neighbourhood planning with its helpful annex covering natural environment information sources, issues and opportunities for environmental enhancement.</p> |
| 2.16 | <p>I hope that our Examiner, Ann Skippers, will give careful consideration to the issues that I raise as her decision for Lawshall is likely to have much wider implications for communities preparing Neighbourhood Plans across Suffolk and perhaps beyond. I am sure that the Suffolk Wildlife Trust and local ecologists will also view the Independent Examiner’s Report on these issues with interest.</p> |

Richard Livall

8th December 2023

Appendix A

Revisions to Policy SP09 of the Joint Local Plan

1. BMSDC Joint Local Plan - Pre-Submission Reg 19 – Nov. 2020

Ended on the 24 December 2020

Policy SP09 –Enhancement and Management of the Environment

1. The Council will require development to support the enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape; biodiversity, geodiversity and the historic environment and historic landscapes through detailed development management policies set out in the Plan, including environmental protection measures, such as biodiversity net gain and sustainable urban drainage systems.

Cross-boundary mitigation of effects on Protected Habitats Sites

2. Development that creates new dwelling(s) within the identified Protected Habitats Sites Mitigation Zone will be required to make appropriate contributions through legal agreements towards management projects and/or monitoring of visitor pressure and urban effects on Habitats Sites and be compliant with the HRA Recreational disturbance and Avoidance Mitigation Strategy. Development will otherwise need to submit separate evidence of compliance with the Habitats Regulations Assessment regarding predicted impacts upon relevant designated sites.

3. All development proposals will be required to support and contribute to the Councils' project to maintain, enhance and protect biodiversity net gain, the networks of habitats and green infrastructure.

2. BMSDC Joint Local Plan - Main Modifications – March 2023

Ended on the 3 May 2023

MM26.

Page 57 , Policy/Paragraph SP09

Modification

Policy SP09 - Enhancement and Management of the Environment

*1. The Councils will require development to support **and contribute to the conservation**, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes, through detailed development management policies set out in the Plan, including environmental protection measures, such as biodiversity net gain and sustainable urban drainage systems.*

Cross-boundary mitigation of effects on Protected Habitats Sites

*2. Development that creates new dwelling(s) within the identified Protected Habitats Sites Mitigation Zone **should seek to avoid harm in the first instance. Where this is not possible, development will be required to demonstrate adverse effects on site integrity will be avoided from increased recreational pressure. Development consisting of over 50 dwellings will be required to demonstrate well-designed open space/green infrastructure, proportionate to its scale. Development will also** be required to make appropriate contributions through legal agreements towards management projects and/or monitoring of visitor pressure and urban effects on Habitats Sites and be compliant with the HRA Recreational Disturbance and Avoidance Mitigation Strategy. Development will otherwise need to submit separate evidence of compliance with the Habitats Regulations Assessment **HRA** regarding predicted impacts upon relevant designated sites.*

3. All development that would have an impact on a Protected Habitats Site, will be required to embed mitigation measures to avoid adverse effect on integrity.

*4. All development proposals will be required to support and contribute to the Councils' project to maintain, enhance and protect biodiversity net gain, the networks of habitats and green infrastructure **Through biodiversity net gain, all development will be required to protect and enhance biodiversity. This must ensure that the network of habitats and green infrastructure is more resilient to current and future pressures.***

5. Where the monitoring of air quality from traffic on roads within 200 metres of Protected Habitats Sites demonstrates an adverse effect on their integrity, then the Councils will commit to an immediate review of the planning policies to address any mitigation measures required.

3. BMSDC Joint Local Plan – Part 1 – November 2023

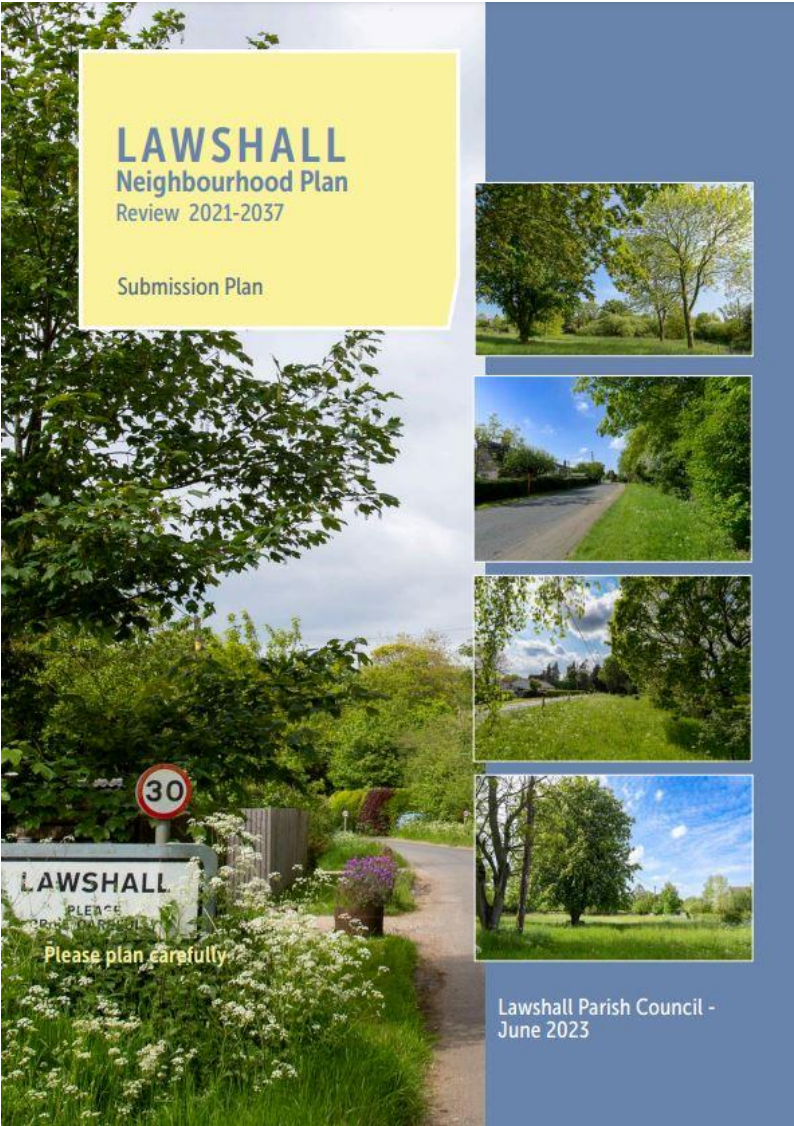
Adopted November 2023

SP09 –Enhancement and Management of the Environment

- 1) **The Councils will require development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes.**
- 2) **Development within the identified Protected Habitats Sites Mitigation Zone should seek to avoid harm in the first instance. Where this is not possible, development will be required to demonstrate adverse effects on site integrity will be avoided from increased recreational pressure. Development consisting of over 50 dwellings will be required to demonstrate well-designed open space/green infrastructure, proportionate to its scale. Development will also be required to make appropriate contributions through legal agreements towards management projects and/or monitoring of visitor pressure and urban effects on Habitats Sites and be compliant with the HRA Recreational Disturbance and Avoidance Mitigation Strategy. Development will otherwise need to submit separate evidence of compliance with the HRA regarding predicted impacts upon relevant designated sites.**
- 3) **All development that would have an impact on a Protected Habitats Site, will be required to embed mitigation measures to avoid adverse effect on integrity.**
- 4) **Through biodiversity net gain, all development will be required to protect and enhance biodiversity ensuring the measures are resilient to climate change.**
- 5) **Where the monitoring of air quality from traffic on roads within 200 metres of Protected Habitats Sites demonstrates an adverse effect on their integrity, then the Councils will address any mitigation measures required in the Part 2 Plan.**

Appendix B

Lawshall Approach to Biodiversity





At the time the 2017 Plan was prepared, the following seven assets, in order of residents' preferences, were:

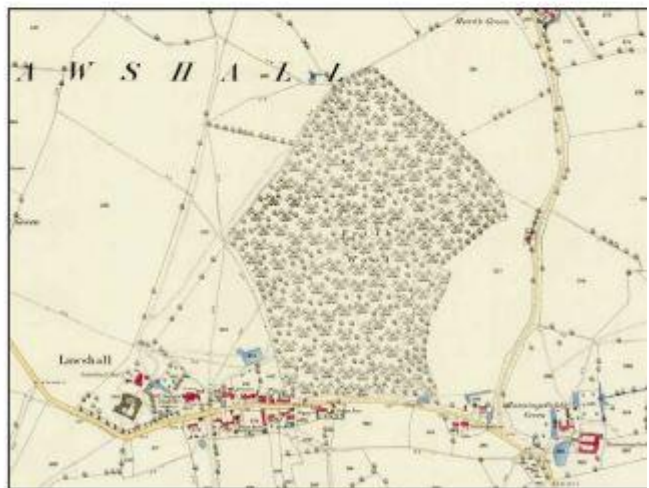
1. Frithy Wood - Site of Special Scientific Interest ancient woodland (15 hectares)
2. Golden Wood - community woodland (8.5 hectares)
3. Ponds - home to Great Crested Newt
4. Ancient hedgerows
5. Crooked Wood - community woodland (0.8 hectares)
6. Village greens
7. Wide verges

7.22 Of the seven, the jewel in the crown has to be Frithy Wood, a 15 hectares ancient woodland designated as a Site of Special Scientific Interest (SSSI). This woodland sits in a central position in the village and is open to the public in parts. It is surrounded by the Area of Local Landscape Sensitivity (Policy LWL 7) and was rated the most important Natural Environment Asset at a consultation event during the preparation of the 2017 Neighbourhood Plan. The southernmost woodland bank runs alongside The Street and represents the 1611 boundary of the wood until it was partially cleared in the 1960s. The previous extent can be seen in Map 2 which is an extract from the 1885 Ordnance Survey map of the area. Inappropriate development in its vicinity could have detrimental impact on this important wildlife site.

Natural Environment

7.20 Lawshall is a particularly large rural parish in terms of acreage, so it is not surprising that Natural Environment Assets can be found locally. However, some of these Natural Environment Assets stand out due to their historical value, the information already collected and the quality of research available for them. Other assets are notable due to the fact that they have been created and developed from scratch by the local community.

7.21 Lawshall's seven main Natural Environment Assets were identified either through meetings with residents during the preparation of the 2017 Plan, brainstorming sessions at Neighbourhood Plan Team meetings, or from feedback at consultation events.



Map 2 - Frithy Wood as identified on the 1885 Ordnance Survey map

- 7.23 Lawshall also has the benefit of two community woodlands, Golden Wood and Crooked Wood, which have been planted and managed by local people since 1993. These woods are now maturing and providing increasing benefit to wildlife and community.
- 7.24 Lawshall is quite unusual in having retained an above-average number of smaller farms with smaller fields. The hedgerows around these fields were surveyed in 2012 as part of the Suffolk Hedgerow Survey. Many were already known to date from before 1611 following research by Oliver Rackham ('Trees and Woodland in the British Landscape, 1990'). His map has been useful to strengthen data collected in 2012. The ancient hedgerows have been identified as a Natural Environment Asset and worth protecting.
- 7.25 There are six greens in Lawshall, of which four still have traditional village green spaces managed by the Parish Council and local residents as hay meadows. At Hanningfield Green the half-acre triangle is a Designated County Wildlife Site as is the larger Lawshall Green which has a wide variety of species. Some are designated as Local Green Spaces in Policy LWL10.
- 7.26 A few wide grass verges can be found in the village, especially along Donkey Lane, and are noted as Natural Environment Assets in reports from the village walk carried out by volunteers as part of the preparation of the 2017 Plan. Consultation leading to the preparation of the 2017 Neighbourhood Plan noted that the grass verges are 'Very Important' or 'Quite Important' and, as part of the rural character and wildlife habitat sites, are deemed highly worthy of protection. Some harbour small populations of uncommon wildflowers such as Sulphur Clover.
- 7.27 A number of different-size ponds are scattered throughout the village and were voted the third-most-valued Natural Environment Asset during the preparation of the 2017 Neighbourhood Plan - perhaps because ponds are widely recognised as valuable wildlife habitats (e.g. for the rare and locally found Great Crested Newt). Narrow-leaved Water Plantain is recorded in one pond, this being very rare away from the Waveney Valley. It is very likely that other uncommon species would appear if pond restoration work were to be carried out - an aspiration for the future.

Biodiversity

- 7.28 The Government's Biodiversity Action Plan sets challenging targets to preserve and increase the

UK's fast-diminishing biodiversity. When the County Council's then BAP officer visited Lawshall in 2010, she commended Golden Wood very highly for its contribution to increasing biodiversity. Lawshall's extensive network of Natural Environment Assets provide the perfect habitat for some of the UK's rare and declining species. After a visit in 2022, Babergh's Biodiversity Officer wrote: "What struck me most is that the parish values the existing natural habitats, seeking to manage them to retain and increase their biodiversity value - and is proactive in creating new habitats. This demonstrates your strong commitment to protecting the species you have and encouraging new ones to appear and colonise, thereby helping to create and maintain more resilient oases for biodiversity across the parish. The ideal would be to also work with local landowners to improve connectivity across the landscape". Another aspiration for the future.

- 7.29 **Green Light Trust**, an environmental education charity based in the village, is restoring part of Lawshall's SSSI woodland, Frithy Wood; **Lawshall Community Woodlands** (a Forest for Our Children) a village steering group, manages Lawshall's two community woodlands (Golden Wood and Crooked Wood); **Community volunteers** manage the two County Wildlife Sites (Hanningfield Green and Lawshall Green). There are a host of smaller private sites managed specifically for wildlife. In addition, a number of local residents record and monitor species, so the data sets available for Lawshall are valuable.

- 7.30 In Frithy Wood, several rare species have been recorded including the White-letter Hairstreak, a red list butterfly, the rare Purple Emperor butterfly in 2022, as well as the Barbastelle bat. Nesting bird surveys have been regularly carried out in both Frithy Wood and Golden Wood to build a clear picture of the health and value of the woods to common bird species. 15 red list birds have been recorded in and around Golden Wood and all those depicted in The Golden Wood Painting have already been recorded bar one, despite the wood having been agricultural land until 1994.



- 7.31 Lawshall has a diverse range of flora. Most notable species include Adder's Tongue Fern and four notable varieties of orchid. Woodland species include Nettle-leaved Bellflower, Herb Paris, Oxlip and extensive carpets of Wood Anemone. The first group of these thrive on managed grassland and are sensitive to being swamped by uncut grass or compacted ground. The second group are dependent on traditional woodland management and their habitat remaining intact.
- 7.32 Regular surveys of our flora and fauna are carried out and the results are published in the Lawshall Biodiversity Record on the Parish Council's website.

POLICY LWL 11 - PROTECTING EXISTING NATURAL ENVIRONMENTAL ASSETS (RETAINED POLICY LAW 7)

The important woodland and ancient hedgerows, shown on the Policies Map, are valued highly by the community and are to be protected. Proposals that are likely to have an adverse impact on designated sites, priority habitats, wildlife corridors and protected or priority species will not normally be permitted except where it can satisfactorily be demonstrated that the benefits of the development clearly outweigh any adverse impact.

- 7.33 Paragraph 174 d) of the NPPF notes that decisions should "contribute to and enhance the natural and local environment by.....minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures". The National Planning Practice Guidance notes that; "Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures." In Lawshall, development proposals that deliver such improvements will be particularly supported. The Guidance states that examples might include creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat, specifically hedgehog tunnels in any new development.

- 7.34 In November 2021 The Environment Act received Royal Assent and will, when fully enacted, require new developments to deliver a minimum 10 per cent biodiversity net gain. In August 2021 a British Standard for Biodiversity Net Gain was published (BS8683) to provide a standard for designing and implementing such requirements. The timing of the introduction of the minimum requirement is unclear at present but within the Neighbourhood Plan Area, residents and developers are encouraged to deliver a measurable net gain in biodiversity as part of planning proposals.

POLICY LWL 12 - BIODIVERSITY

Development proposals should avoid the loss of, or material harm to trees, hedgerows and other natural features such as ponds.

Where such losses or harm are unavoidable, adequate mitigation measures or, as a last resort, compensation measures will be sought. If suitable mitigation or compensation measures cannot be provided, then planning permission should be refused.

Where new access is created, or an existing access is widened through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.

Otherwise acceptable development proposals will only be supported where they provide a measurable net gain in biodiversity through, for example:

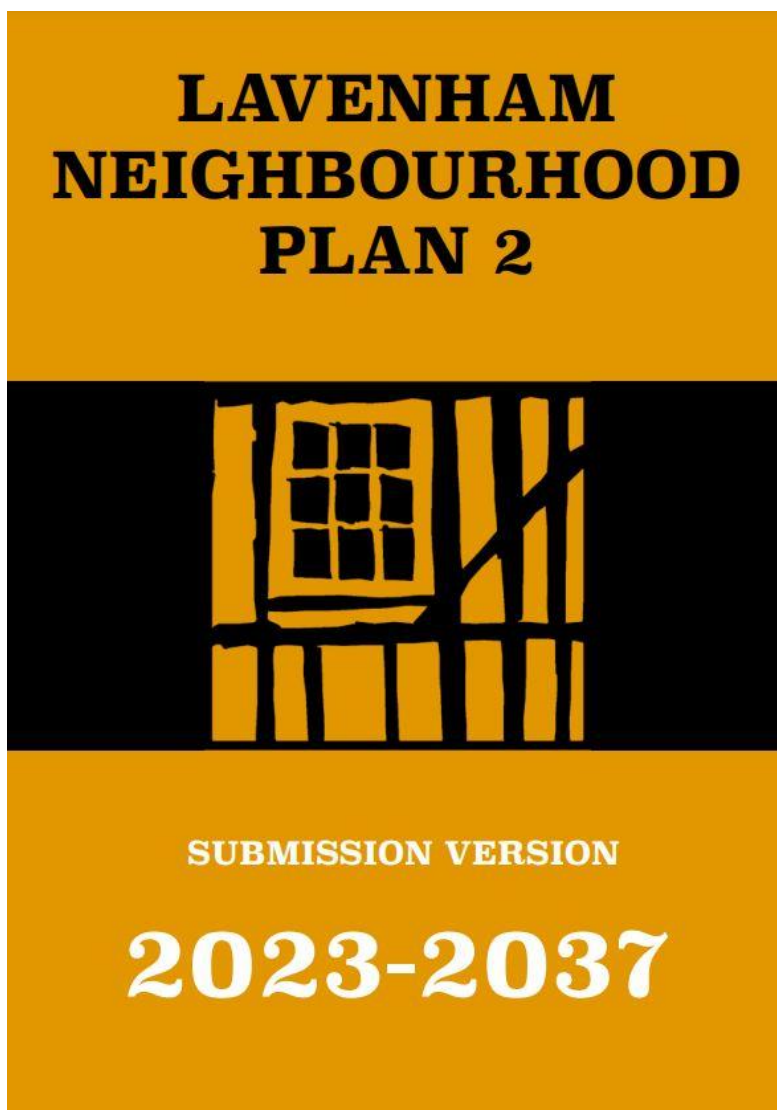
- a. The creation of new natural habitats including ponds;
- b. The planting of additional native trees and hedgerows of local provenance (reflecting the character of Lawshall's ancient woodland and hedgerows); and
- c. Restoring and repairing fragmented biodiversity networks through, for example, including swift-boxes, bat boxes and holes in fences which allow access for hedgehogs.

COMMUNITY ACTION 1 - BIODIVERSITY

The Parish Council will encourage and support community initiatives through funding made available by District and/or County Council or other Agencies, to maintain and increase Lawshall's biodiversity, natural habitats, and their long-term resilience as our climate changes. The Parish Council would seek to work in partnership with Babergh's Biodiversity Officer to address, at a local level, the global crisis in biodiversity loss.

Appendix C

Lavenham Approach to Biodiversity



Objective Six – Biodiversity Networks: To strengthen and extend Lavenham’s biodiversity networks

Through this objective we seek to:

1. *Recognise the value of Lavenham Wood, other wooded areas and hedgerows, and protect accordingly.*
2. *Identify other assets of biodiversity value and seek to strengthen networks (river corridor, hedgerows, trees).*
3. *Address current pollution and water quality issues in the Lavenham Brook.*

There are 3 policies which sit under this objective:

Policy LAV 8: Biodiversity network enhancement and expansion zones in Lavenham

Policy LAV 9: Lavenham sites of biodiversity value

Policy LAV 10: Mitigation hierarchy and delivering biodiversity net gain in Lavenham

Policy LAV 8: Biodiversity network enhancement and expansion zones in Lavenham

Proposals coming forward within the network enhancement zone 1 and network expansion zone (shown on Map 5) or any updated version of this will be expected to demonstrate how opportunities have been taken to deliver additional green infrastructure that enhances existing Sites of Special Scientific Interest (SSSI) and the wildlife that depends on them.

Policy intent:

6.8.1 The purpose of this policy is to highlight the opportunities that exist in the landscape to the west of Lavenham for biodiversity measures to be implemented which could complement the existing SSSI at the Lineage Wood & Railway Track.

6.8.2 It is acknowledged that much of the areas lies in open countryside and the implementation of suitable ecological enhancement measures may therefore take place independently of the development management process.



Top of Bears Lane



View from Lower Road

Important context to assist with implementing this policy:

6.8.3 A key statutory designation for biodiversity in Lavenham parish is the very eastern extent of the Lineage Wood & Railway Track Site of Special Scientific Interest (SSSI) which mostly falls in Acton Parish.

6.8.4 Through its MAGIC mapping tool, Natural England has developed a Combined Habitat Networks Map which include four different zones where action could be undertaken to build greater ecological resilience:

- a) **Zone 1:** Land within close proximity to existing habitat components that are more likely to be suitable for habitat re-creation for the particular habitat.
- b) **Zone 2:** land within close proximity to existing habitat components that are unlikely to be suitable for habitat recreation but where other types of habitats may be created or land management may be enhanced.
- c) **Fragmentation Action Zone:** land immediately adjoining existing habitat patches that are small or have excessive edge to area ratio where habitat creation is likely to help reduce the effects of habitat fragmentation.
- d) **Network Expansion Zone:** Land within close proximity to the Network Enhancement Zones 1 & 2 that is more likely to be suitable for habitat creation for the particular habitat and identifying possible locations for connecting and linking up networks across the landscape.

6.8.5 Map 5 shows how the western part of the parish falls within Zone 1 and the Network Expansion Zone.



View towards recreation ground



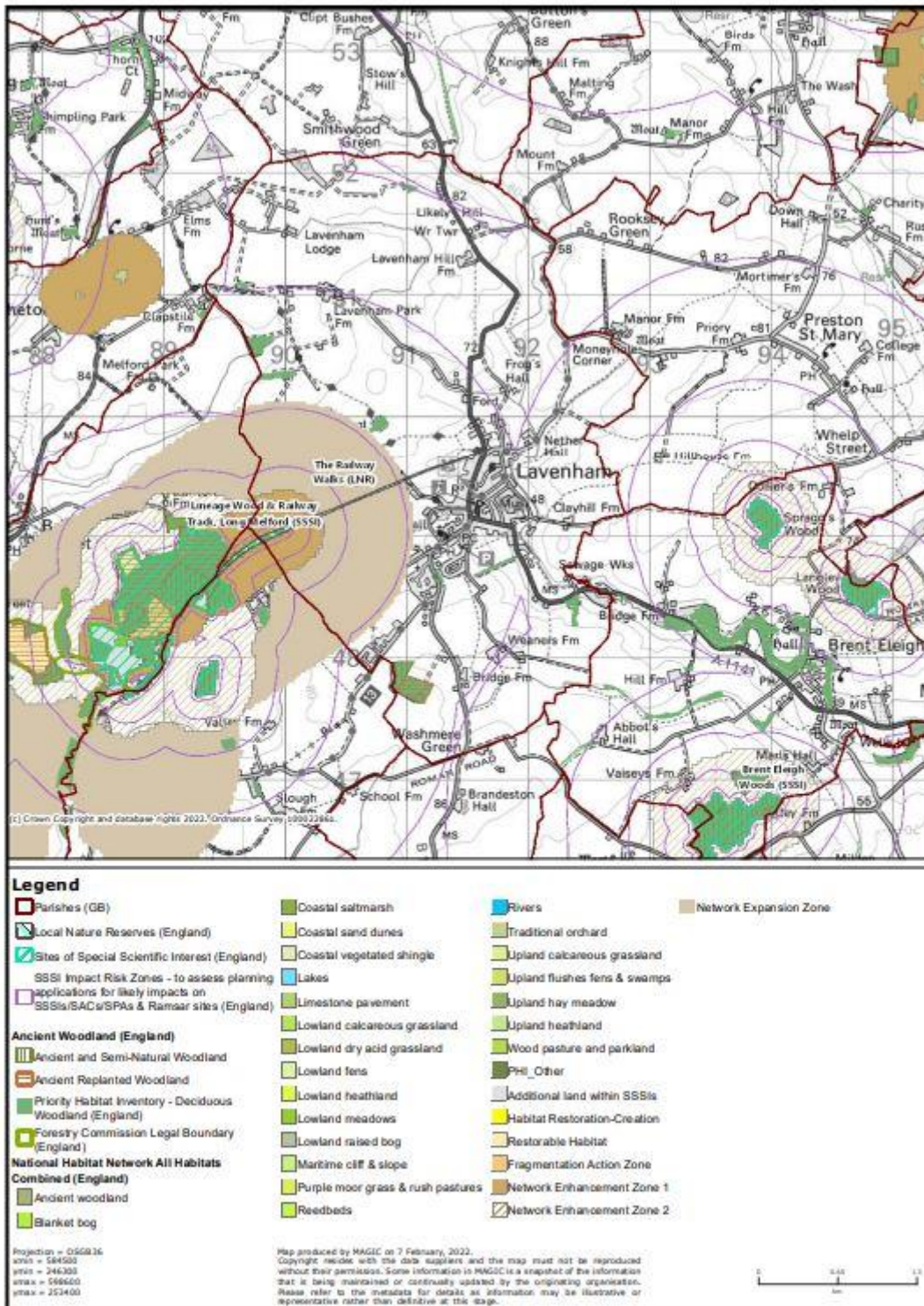
Lavenham Railway Walk



View towards Lavenham Church



View towards Lavenham



Map 5 Opportunities for improving biodiversity in Lavenham (Extract taken from MAGIC 2022)

Policy LAV 9: Lavenham sites of biodiversity value

1. **Proposals located close to or otherwise which could have impacts on a site of biodiversity value in the parish, as defined on Map 6, must take full account of the biodiversity value and follow the mitigation hierarchy as detailed in Policy LAV 10.**
2. **Any proposals resulting in the loss or deterioration of ancient woodland at Lavenham Wood (including proposals away from the site but nevertheless impacting the site) will not be supported.**

Policy intent:

6.9.1 To complement strategic level policies by providing parish level detail of known existing sites of biodiversity value in the parish.

Important context to assist with implementing this policy:

6.9.2 The accompanying Map 6, defines the known existing sites of biodiversity value in the parish. They are:

Lavenham Wood (Protected ancient woodland and County Wildlife Site – ref. Babergh 79). No access.

6.9.3 The wood covers an area of 6.36 hectares. The County Wildlife Site citation reads:

Lavenham Wood, an ancient wood listed in English Nature's Ancient Woodland Inventory, is set amidst arable fields to the south of Lavenham. The wood still retains a sinuous boundary which is a characteristic feature of medieval woods. The semi-natural structure of the wood was destroyed in the 1930's when a large proportion of the wood was cleared and replanted with oaks and conifers. Since that time, the wood has been neglected with the exception of the thinning of some planted timber.

The remainder of the wood consists of derelict hazel coppice with ash and oak standards. In addition, there is an area of small-leaved lime coppice in the north-eastern corner. Due to the dense shade cast by the tree canopy, the field and shrub layers are rather impoverished. Flowering plants are generally restricted to the wide ride (approximately 10m across) and glade which cross the wood. These open areas also attract good numbers of butterflies.

Lavenham Railway Walk (County Wildlife Site – ref. Babergh 78).

6.9.4 The Railway Walk covers an area of 3.31 hectares. The CWS citation reads:

A section of the disused railway line which runs north west of Lavenham and through Lineage Wood has been designated as a Site of Special Scientific Interest (SSSI). The remainder of the dismantled line which extends from the SSSI boundary i.e. Bridge Street road bridge northwards to the A1141 road bridge is also of high conservation value and designated as a County Wildlife Site.

The embankments of the old line are colonised in part by species-rich dense scrub, mainly field maple, hazel, bramble and dogwood. These areas provide valuable breeding habitat for woodland birds in an intensively farmed landscape. Small glades are present amongst the scrub which support a good range of meadow plants such as perforate St John's-wort, bird's foot-trefoil, oxeye daisy, quaking grass, agrimony, and wild basil. Crested cow-wheat, a Nationally Scarce species, has been recorded here in the past.

The structural diversity of this site provides habitat opportunities for a range of invertebrates, particularly butterflies with a number of common species having been recorded here, as well as Priority species small heath. The sunny glade provides sheltered conditions and an abundance of foodplants for butterflies, as well as ideal basking areas for reptiles. Common lizard has been recorded here..."

Dyehouse Field Wood

6.9.5 Located to the east of the Railway Walk, this is a woodland area planted in 2005, linking up with an area of mostly ash and cherry planted by the original owners in the early 1990s. In November 2005 164 villagers planted some 1500 trees in one day, with species to reflect an ancient Suffolk woodland forest: oak, ash, dogwood, hornbeam, holly, field maple, spindle, hazel, birch, alder. It is managed by the Lavenham Woodland Project as an important element in Lavenham's appeal as a village. It is cared for by local volunteers who work to ensure that it complements and supplements the biodiversity of the Railway Walk. <https://lwproject.wixsite.com/lavenhamwoodlandproj>

6.9.6 The National Trust Lavenham Woodland Walk description at point 2 says:

Apart from ladybirds and grasshoppers, twenty-four species of butterfly have been recorded in Dyehouse Field Wood. One of the discoveries is the quite rare, (or perhaps, little observed) brown argus butterfly in an open area of the site, and so the volunteers are working to develop its preferred habitat. Many other species may also be seen along other sections of the walk. Badger, weasel, field vole, muntjac deer, grass snake, common lizard and slowworm are just some of the other animals that are present.
<https://www.nationaltrust.org.uk/lavenham-guildhall/trails/lavenham-woodland-walk>

Two areas of permanent pastureland

6.9.7 These two areas of land are recognised as having biodiversity value since they have been left as permanent grassland for a number of years.

Other areas of deciduous woodland in the parish

6.9.8 These are identified by Natural England, in the MAGIC (Multi-Agency Geographic Information for the Countryside) mapping tool, as one of a number of priority habitats. (See map 6)

The Lavenham Brook corridor

6.9.9 The Lavenham Brook is part of the River Brett main river system and is often referred to locally as the River Brett. As well as being essential to the functioning of Lavenham, it is an important corridor for protected and priority species.

Key species in Lavenham

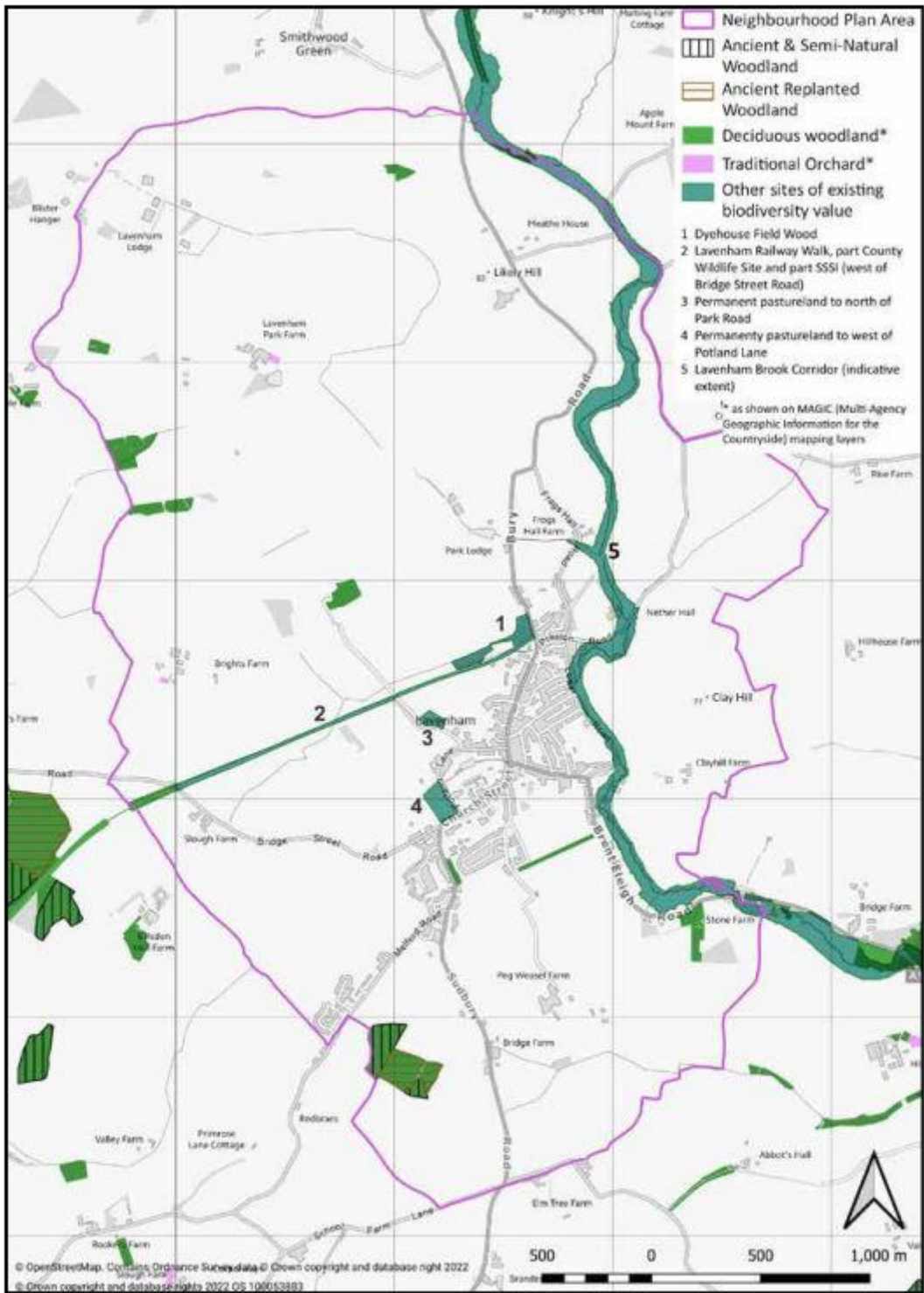
6.9.10 Several red and amber listed bird species have been recorded in the parish (as reported by Suffolk Biodiversity Information Service), including skylark, swift, greenfinch, bullfinch and dunnock. Other protected and priority species recorded in the parish include several bat species, reptiles including slow worm, common lizard and grass snake, hedgehog and water vole along the river corridor.



Railway walk



Entrance to Dyehouse Field Wood



Map 6 Existing sites of biodiversity value

Policy LAV 10: Mitigation hierarchy and delivering biodiversity net gain in Lavenham

1. The hierarchy of mitigation should be embedded into the design of all proposals with the following steps implemented in order:
 - a. Avoid impacts. This means retaining habitats of value (including existing hedgerows, ponds, trees and any wildlife corridors and habitats) for enhancement and management and retaining species in situ.
 - b. Mitigate impacts where these have been found to be unavoidable through replacement of lost protected and priority habitats and accommodating displaced species in the site boundary.
 - c. Compensate if mitigation measures are insufficient.
2. Proposals will be required to demonstrate measurable net gain for biodiversity, and this should be achieved on site wherever possible and in accordance with BS8683:2021 Process for designing and implementing Biodiversity Net Gain (BNG). Proposals which go beyond the 10% BNG requirement to achieve 20% will be particularly supported. Appropriate measures for delivering BNG in the parish could include:
 - a. Creating new wildlife corridors which link up with existing sites or corridors (see Maps 5 and 6).
 - b. The planting of additional trees and hedgerows.
 - c. The restoration of existing habitats (such as along the Lavenham Brook Corridor (see Map 6) and along Lavenham's extensive hedgerow network – see supporting text); or
 - d. the creation of new natural habitats.
3. In identifying suitable biodiversity measures, applicants should note and accord, where applicable, with the requirements of Policy LAV 35 of this Plan.
4. All proposals should take opportunities to integrate biodiversity measures within a building through the provision of integrated bird and bat or insect boxes to be targeted at protected species (e.g., swift, sparrow, starling and pipistrelle bats). Integrated living, brown or green roofs are considered particularly suitable on brownfield sites to accommodate invertebrates that are displaced through the development.

Policy intent:

6.10.1 To provide a local policy in light of national planning policy and new legislative requirements to deliver biodiversity net gain and informed by Lavenham's 2023 LCSA.

Important context to assist with implementing this policy:

Mitigation hierarchy

6.10.2 The term 'mitigation hierarchy' refers to the requirements set out in paragraph 180 of the NPPF 2021 whereby if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort compensated for, then planning permission should be not supported. The mitigation hierarchy is explained in more detail in planning practice guidance where it is clarified that these steps need to be taken in order as set out in Policy LAV 10 above.

Biodiversity Net Gain (BNG)

6.10.3 The Environment Act has mandated minimum measurable BNG for all developments. This requires that the biodiversity value of the development exceeds the pre-development biodiversity value of the site

by a minimum of 10%. Biodiversity value is measured using a metric produced by DEFRA and the baseline value is calculated from the condition of the site before any intervention has occurred.

6.10.4 BS 8683 is a new British Standard that sets out a process for implementing BNG; an approach to development and land management that leaves biodiversity in a measurably better state than before.

6.10.5 BS 8683 is aimed at any class or scale of built environment development or land/estate management.

6.10.6 Appropriate measures will depend on the context of each specific site and surroundings, together with the details of the development proposed. Measures should be focused on supporting recognised nature conservation priorities and supporting or restoring existing habitats in the parish. See Maps 5 and 6.

6.10.7 In addition to the ecological networks shown on Maps 5 and 6, Lavenham has an extensive hedgerow network located along its many field boundaries. This network has been mapped by Suffolk Biodiversity Information Service (SBIS) using tree canopy polygon data that has been developed by Norfolk County Council (see Appendix 6). The mapping data provides important clues with respect to this important ecological corridor including the opportunities that exist to enhance biodiversity through restoring and reconnecting habitats.

6.10.8 Detailed information about designated sites and existing records of protected and Priority species can be obtained through a data search from Suffolk Biodiversity Information Services: <http://www.suffolkbis.org.uk/> For major development (see Glossary), developers are expected to use the Defra Biodiversity Metric 4.0, or its successor for calculating the pre-development baseline and demonstrating a post development baseline.

6.10.9 For small scale developments (fewer than 10 residential units or an area of less than 0.5 hectares) and householder applications, the Defra "small sites" biodiversity metric should be used.

6.10.10 The LDG (Lavenham Design Guide) provides advice on landscape enhancement measures which could also assist with achieving biodiversity net gain (see Section 5.2.14 of the Design Guide).

Extract from Page 46

Objective Six – Biodiversity Networks: To strengthen and extend Lavenham's biodiversity networks.

Community Initiative 1.6 - Wilding and Tree Planting:

- a. *Support Wilding schemes that enable increased biodiversity, including tree and hedge planting.*
- b. *Support re adoption of areas that serve as nature reserves, and work with stakeholders to improve the amenity and diversity of those spaces.*

10.10 Dyehouse Field Wood is an exemplary project that has created a new area of diverse woodland. Further initiatives will be supported, in order to increase the area of tree and hedge coverage – which is recognised as assisting climate mitigation and improving biodiversity.

Extract from Page 101

Appendix 6 - Protecting and strengthening the hedgerow corridor in Lavenham Parish

The Suffolk Biodiversity Information Service (SBIS) has prepared a series of maps to help the Lavenham Parish Council and its stakeholders understand the hedgerow corridor network in the parish. Two of these maps are shown opposite and further maps are available at:

<http://lavenhamnp2.onesuffolk.net/assets/Parish-field-boundaries/Lavenham-Parish-field-boundaries-variation-in-height-of-trees.pdf>

<http://lavenhamnp2.onesuffolk.net/assets/Parish-field-boundaries/Lavenham-Parish-field-boundaries-tree-volume-per-metre.pdf>

<http://lavenhamnp2.onesuffolk.net/assets/Parish-field-boundaries/Lavenham-Parish-field-boundaries-tree-and-gap-sections.pdf>

<http://lavenhamnp2.onesuffolk.net/assets/Parish-field-boundaries/Lavenham-Parish-field-boundaries-mean-height-of-trees.pdf>

<http://lavenhamnp2.onesuffolk.net/assets/Parish-field-boundaries/Lavenham-Parish-field-boundaries-length-with-trees.pdf>

The maps are based on tree canopy polygons, which themselves were based on survey work undertaken between 2017 to 2020. The polygon data is available to view here:

<https://norfolkcc.maps.arcgis.com/apps/webappviewer/index.html?id=bc454c4b70bc481fcd7bf11adeea099>

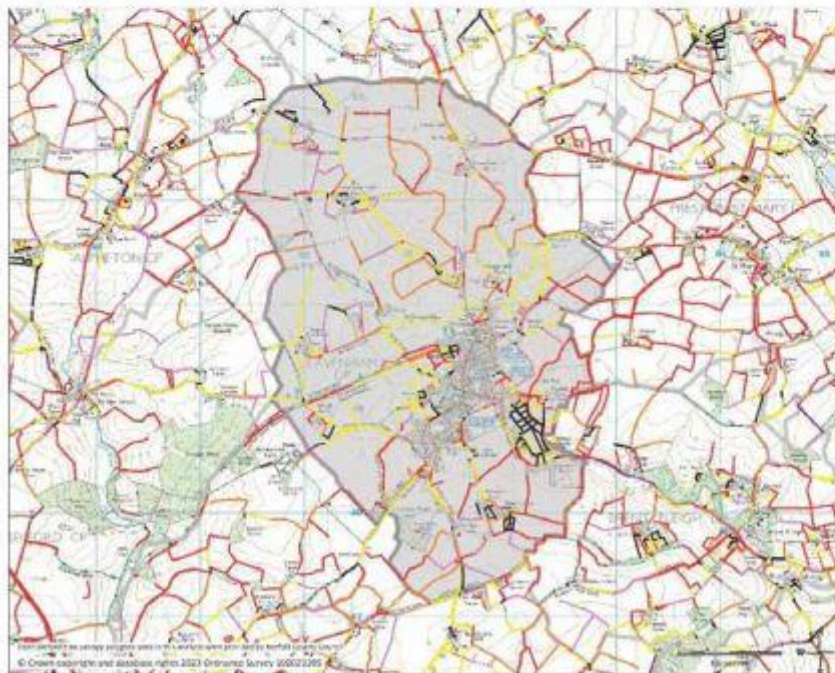
The maps provide an understanding of the extent of existing important ecological corridors, comprising tree-lined hedgerows throughout Lavenham Parish. The work provides important clues as to the best opportunities to strengthen these important networks, and build resilience for species and habitats as our climate continues to change.



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Lavenham Parish field boundaries - tree and gap sections



Lavenham Parish field boundaries - % length with trees

A set of Hedgerow & Field Boundary Maps (linked to Appendix 6 in LNP2)

Lavenham hedgerow / field boundary maps

Introductory note

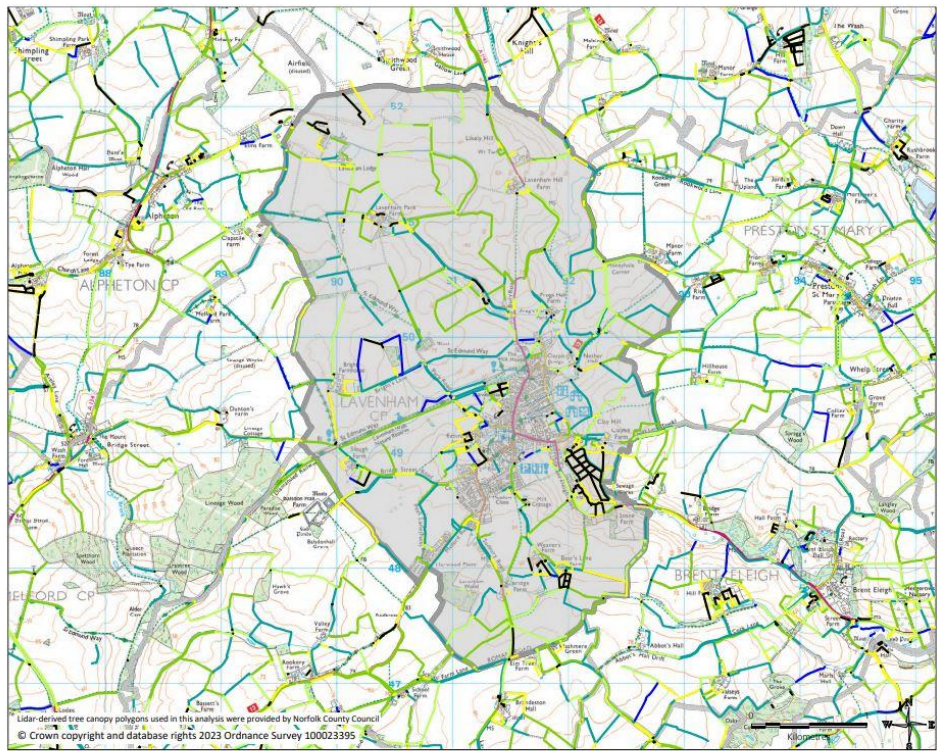
This document has been put together by Babergh District Council. Its purpose is to pull together into one place the five separate maps submitted to us Lavenham Parish Council and which are relevant to Policy LAV10: Mitigation hierarchy and delivering biodiversity net gain in Lavenham

Within LNP2 Policy LAV10, paragraph 2.c states [in summary] that '*appropriate measures to deliver biodiversity net gain in the parish could include ... the restoration of existing habitats and along Lavenham's extensive hedgerow network*'

Supporting paragraph 6.10.7 states that: '*In addition to the ecological networks shown on Maps 5 and 6, Lavenham has an extensive hedgerow network located along its many field boundaries. This network has been mapped by Suffolk Biodiversity Information Service (SBIS) using tree canopy polygon data that has been developed by Norfolk County Council (see Appendix 6). The mapping data provides important clues with respect to this important ecological corridor including the opportunities that exist to enhance biodiversity through restoring and reconnecting habitats.*'

Appendix 6 - Protecting and strengthening the hedgerow corridor in Lavenham Parish states that: '*The Suffolk Biodiversity Information Service (SBIS) has prepared a series of maps to help the Lavenham Parish Council and its stakeholders understand the hedgerow corridor network in the parish*'. Two maps are presented in the plan and links are provided to the five maps referred to above. These maps are listed below and appear on the following pages:

- Lavenham Parish field boundaries – variation in height of trees
- Lavenham Parish field boundaries – tree volume per metre
- Lavenham Parish field boundaries – tree and gap sections
- Lavenham Parish field boundaries – mean height of trees
- Lavenham Parish field boundaries – length with trees



Legend

767 field boundaries in Lavenham

Variation in height of trees in boundary (Standard Deviation)

- 5 to 19
- 3 to 5
- 2 to 3
- 1 to 2
- 0 to 1

Field boundary with no trees >=2m

Parish boundary

Tree polygons used to classify field boundaries were derived from Environment Agency Lidar data by Norfolk County Council - they were surveyed between 2017 and 2020.

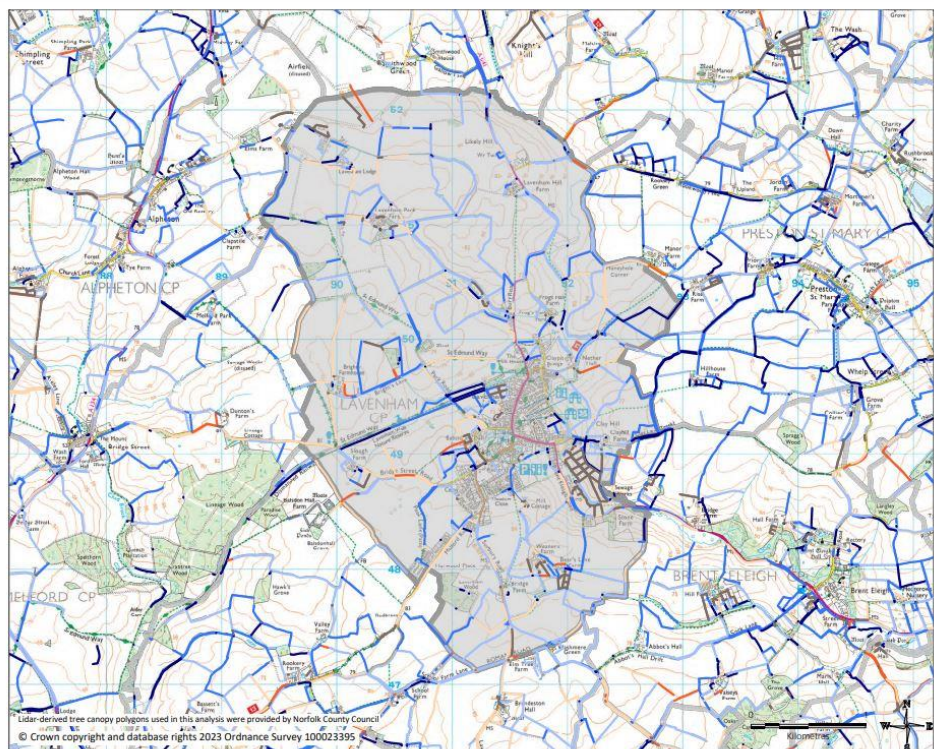
Minimum height of trees was 2m.

Field boundaries were extracted from Ordnance Survey MasterMap and defined as Obstructive Features adjacent to agricultural land but not to woodland or gardens.



Date: 10/03/2023 | Drawn by: Jane Mason

Lavenham Parish field boundaries - variation in height of trees



Legend

767 field boundaries in Lavenham

Tree volume (cubic m) per metre of boundary

- >100
- 40 to 100
- 10 to 40
- 1 to 10
- 0 to 1

Field boundary with no trees >=2m

Parish boundary

Tree polygons used to classify field boundaries were derived from Environment Agency Lidar data by Norfolk County Council - they were surveyed between 2017 and 2020.

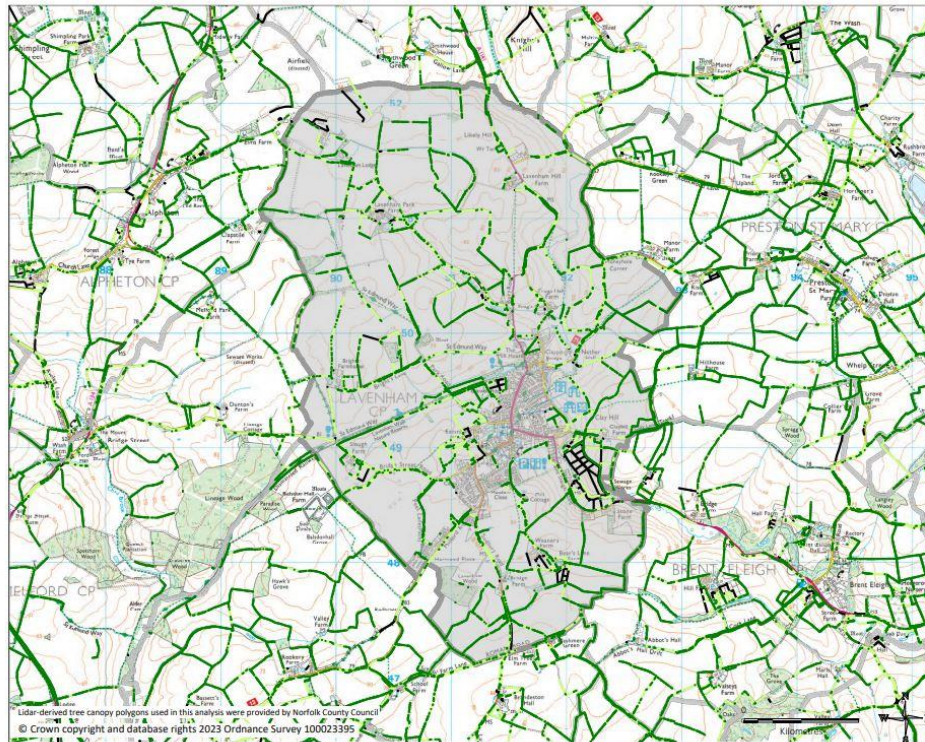
Minimum height of trees was 2m.

Field boundaries were extracted from Ordnance Survey MasterMap and defined as Obstructive Features adjacent to agricultural land but not to woodland or gardens.



Date: 10/03/2023 | Drawn by: Jane Mason

Lavenham Parish field boundaries - tree volume per metre



Legend

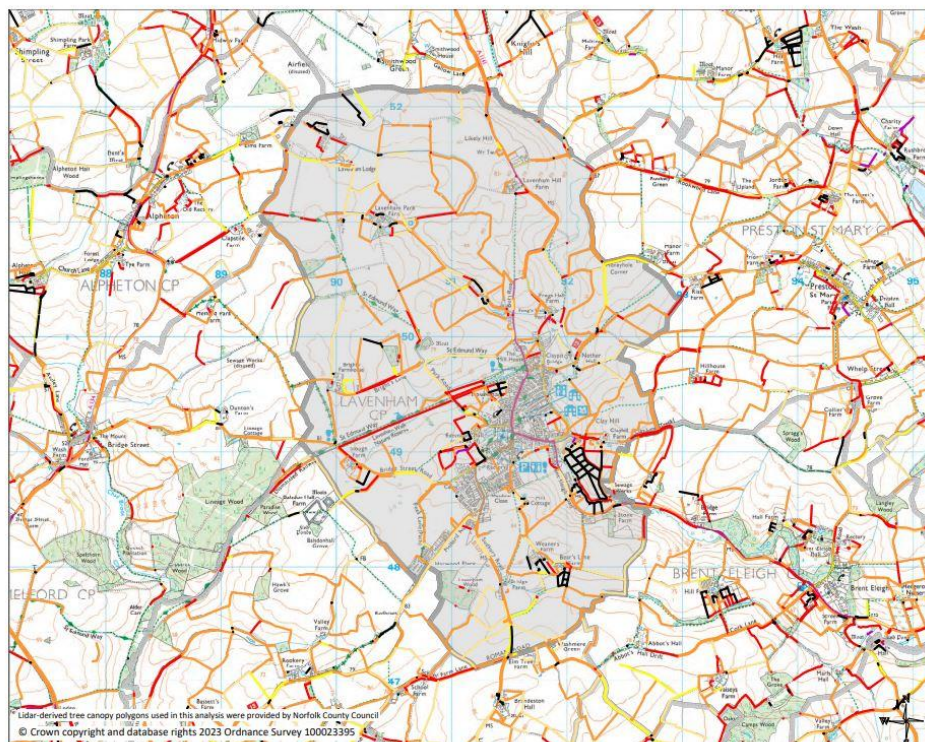
- 767 field boundaries in Lavenham
- Tree sections
- Gaps
- Field boundary with no trees >=2m high
- ▭ Parish boundary

Tree polygons used to classify field boundaries were derived from Environment Agency Lidar data by Norfolk County Council - they were surveyed between 2017 and 2020. Minimum height of trees was 2m. Field boundaries were extracted from Ordnance Survey MasterMap and defined as Obstructive Features adjacent to agricultural land but not to woodland or gardens.



Date: 10/03/2023 | Drawn by: Jane Mason

Lavenham Parish field boundaries - tree and gap sections



Legend

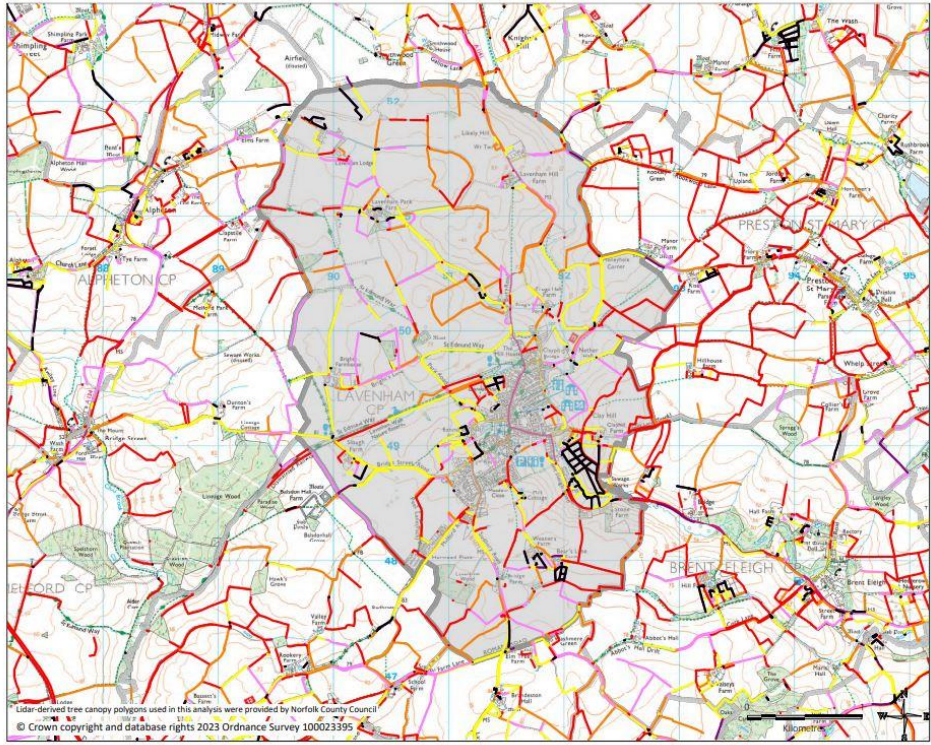
- 767 field boundaries in Lavenham
- Mean height (m) of trees in boundary
- 20 to 45
- 10 to 20
- 5 to 10
- 3 to 5
- 2 to 3
- Field boundary with no trees >=2m
- ▭ Parish boundary

Tree polygons used to classify field boundaries were derived from Environment Agency Lidar data by Norfolk County Council - they were surveyed between 2017 and 2020. Minimum height of trees was 2m. Field boundaries were extracted from Ordnance Survey MasterMap and defined as Obstructive Features adjacent to agricultural land but not to woodland or gardens.



Date: 10/03/2023 | Drawn by: Jane Mason

Lavenham Parish field boundaries - mean height of trees



Legend

- 767 field boundaries in Lavenham
- % boundary with trees
 - 75 to 100
 - 50 to 75
 - 25 to 50
 - 1 to 25
 - 0 to 1
- Field boundary with no trees
- Parish boundary

Tree polygons used to classify field boundaries were derived from Environment Agency Lidar data by Norfolk County Council - they were surveyed between 2017 and 2020. Minimum height of trees was 2m. Field boundaries were extracted from Ordnance Survey MasterMap and defined as Obstructive Features adjacent to agricultural land but not to woodland or gardens.



Date: 10/03/2023 | Drawn by: Jane Mason

Lavenham Parish field boundaries - % length with trees

Appendix D

Response from Natural England - Lawshall

(3) NATURAL ENGLAND

E from: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Rec'd: 14 September 2023

Subject: Consultations Response - Lawshall Neighbourhood Plan Review - Regulation 16

Our ref: 444451

Your ref: Lawshall Neighbourhood Plan

Dear Mr Bryant

Planning consultation: Lawshall Neighbourhood Plan Review - Regulation 16 Consultation

Thank you for your consultation on the above dated 2 August 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further information on when to consult Natural England on planning proposals is here- [Planning and transport authorities: get environmental advice on planning - GOV.UK \(www.gov.uk\)](#)

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A.

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- [Protected sites and areas: how to review planning applications - GOV.UK \(www.gov.uk\)](#)

Further guidance is also set out in Planning Practice Guidance on the natural environment [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/natural-environment) and on Habitats Regulations Assessment [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/habitats-regulations-assessment)

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Should the proposal change, please consult us again.

Yours sincerely

Sally Wintle

Adviser

Operations Delivery, Consultations Team,
Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP

Tel 0300 0603900

mail to: consultations@naturalengland.org.uk
www.gov.uk/natural-england



Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

Appendix E

Response from Natural England - Lavenham

(3) NATURAL ENGLAND

Date: 15 August 2023
Our ref: 441060
Your ref: Lavenham Neighbourhood Plan

Mr Paul Bryant
Babergh & Mid Suffolk District Councils

BY EMAIL ONLY

paul.bryant@babergmidsuffolk.gov.uk



Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Bryant

Lavenham Neighbourhood Plan - Regulation 16 Consultation

Thank you for your consultation on the above dated 30 June 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan and to the following information.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require a Strategic Environmental Assessment. Further information on protected species and development is included in [Natural England's Standing Advice on protected species](#).

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant a Strategic Environmental Assessment. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a Strategic Environmental Assessment is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a Strategic Environmental Assessment is required, Natural England must be consulted at the scoping and environmental report stages.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely
Sally Wintle
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available from [the Association of Local Environmental Records Centres](#).

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)². Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)³.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁴ website and also from the [LandIS website](#)⁵, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁶ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁷ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

¹ <http://magic.defra.gov.uk/>

² <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

³ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁴ <http://magic.defra.gov.uk/>

⁵ <http://www.landis.org.uk/index.cfm>

⁶ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁷ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁸), such as Sites of Special Scientific Interest or [Ancient woodland](#)⁹. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹⁰) or protected species. To help you do this, Natural England has produced advice [here](#)¹¹ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see [Guide to assessing development proposals on agricultural land](#)¹².

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment and should provide net gains for biodiversity in line with the [National Planning Policy Framework](#). If you are setting out policies on new development or proposing sites for development, you should follow the biodiversity mitigation hierarchy and seek to ensure impacts on habitats are avoided or minimised before considering opportunities for biodiversity enhancement. You may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development and how these could contribute to biodiversity net gain and wider environmental goals.

Opportunities for environmental enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to reduce impacts on wildlife.
- Adding a green roof to new buildings.
- Providing a new footpath through the new development to link into existing rights of way.

[Defra's Biodiversity Metric](#) should be used to understand the baseline biodiversity value of proposed development sites and may be used to calculate biodiversity losses and gains where detailed site development proposals are known. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Defra's Biodiversity Metric](#) and is designed for use where certain criteria are met.

Where on site measures for biodiversity net gain are not possible, you should consider off site measures.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision. Natural England's [Green Infrastructure Framework](#) sets out further information on green infrastructure standards and principles
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance](#)¹³).

⁸ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

⁹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹⁰ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

¹¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹² <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

¹³ <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks or on verges, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Defra's Biodiversity Metric](#) and is available as a beta test version.

(6) Lawshall PC response to basic condition representations

Lawshall Neighbourhood Plan Review

Responses from Lawshall Parish Council to the representation made during the 'general conformity' consultation exercise carried out by Babergh District Council between 27 Nov 2023 and 11 Dec 2023.

| Ref | Consultee | Lawshall PC response |
|-----|--|---|
| 1 | Suffolk County Cllr Mr Richard Kemp | No comment |
| 2 | National Highways | No comment |
| 3 | Water Management Alliance | No comment |
| 4 | Evolution Town Planning | <p>Strategic Policy SP03 of the Part 1 Joint Local Plan states: Outside of the settlement boundaries, development will normally only be permitted where:</p> <ul style="list-style-type: none"> a) the site is allocated for development, or b) it is in accordance with a made Neighbourhood Plan, or c) it is in accordance with one of the policies of this Plan listed in Table 5; or d) it is in accordance with paragraph 80 of the NPPF (2021). <p>There is no requirement for flexibility as this only causes uncertainty in the planning system which is not what planning policies are meant to do. Policy LWL1 is not more restrictive as it states that "development located outside the Settlement Boundaries will only be permitted where they are in accordance with national and district level policies". It is therefore in conformity with the strategic policies of the Joint Local Plan and meets the Basic Conditions.</p> <p>The 2017 Neighbourhood Plan was prepared to be in conformity with the 2014 Core Strategy which allowed development outside the Built-Up Area Boundary where a local need could be proven. That policy approach has been superseded by Part 1 of the Joint Local Plan.</p> |
| 5 | Mr Livall | <p>Reference is made in para 2.6 of the representation to Policy LP16 and the fact that "meaningful consideration" has not been given to that policy in the Basic Conditions Statement.</p> <p>Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 states that the Neighbourhood Plan has to be "be in general conformity with the strategic policies of the development plan in the area". Policy LP16 is not a strategic policy.</p> |

| | | |
|--|--|---|
| | | <p>Comment 2.9 The Parish Council remains of the opinion that, in relation to paragraph 179 of the NPPF (September 2021), the Plan meets the Basic Conditions.</p> <p>Comment 2.11 The Neighbourhood Plan does not have to be in general conformity with Joint Local Plan Policy LP16 as it is not a strategic policy.</p> <p>No further comments are offered by the Parish Council on this matter and we are happy for the Examiner to take the comments into account, as she considers appropriate.</p> |
|--|--|---|

Ends